

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CT-3217-D

CORNELIUS A. NOBLES,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
UNITED STATES OF AMERICA,)	
and TERRENCE W. BOYLE,)	
)	
Defendants.)	

Cornelius A. Nobles (“Nobles”), a state inmate proceeding pro se, filed this action asserting that defendants conspired to fail to liberally construe his “out of time 2254 complaint as [a] claim of actual innocence or double jeopardy violation.” [D.E. 1]. The complaint concerns Nobles’s first-degree murder conviction and asserts that equitable tolling applies. *Id.* Nobles asks the court to set aside his conviction and release him. *Id.* On March 24, 2016, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 8] in which he recommended that the court dismiss Nobles’s complaint without prejudice. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and Nobles’s complaint. The court is satisfied that there is no clear error on the face of the record. Accordingly, the court adopts the conclusions in the M&R [D.E. 8] and DISMISSES Nobles’s complaint without prejudice. The clerk shall close the case.

SO ORDERED. This 12 day of May 2016.



JAMES C. DEVER III
Chief United States District Judge